

## **REMARKS**

The Office Action of March 13, 2008 has been carefully studied. The claims in the case are now 1-14 and 17-22, claims 19-22 being newly added. No claim has yet to be allowed.

### ***Claims Withdrawn From Consideration***

Claims 7-14 are indicated in the Office Action as withdrawn from consideration. This would also apply to new claims 19, 20 and 22. It is respectfully requested, however, that such withdrawn claims which should be rejoined and allowed along with the allowable claims of the application.

### ***Amendments to the Specification***

Page 1 of the specification is amended by incorporating the patent number U.S. 7,282,465 B2 issued October 16, 2007 as further identification of the application which was concurrently filed "Catalyst And Its Use For Improving The Pour Point Of Hydrocarbon Charges" based on French priority application 03/03.530 filed March 24, 2003.

Page 18, line 27 is amended by changing the term "extrudated" to --extruded--.

### ***New Grounds of Rejection***

Applicants acknowledge that the former rejections have been withdrawn and that new grounds of rejection are based on the patent Benazzi et al. U.S. 7,250,106.

### ***Double Patenting***

Applicants acknowledge the double patenting rejection over claims 1-6 of Benazzi et al. U.S. 7,282,465 in view of Benazzi et al. U.S. 7,250,106. Inasmuch as the patent term based on the present application will expire on the same date as the expiration date of U.S. 7,282,465, namely March 24, 2023, and since it is Applicants intention to maintain joint possession of both a patent based on the present application and the U.S. 7,282,465 B2, it is not disadvantageous to Applicants to file a terminal disclaimer which is attended to herewith. Nevertheless, for the

record, Applicants reserve the right to rebut the obviousness rationale for the double patenting rejection at a later date if ever necessary.

### ***Claim Rejections - 35 U.S.C. 102***

Claims 1-6, 17 and 18 are rejected as being anticipated under 35 U.S.C. 102(e) over Benazzi et al. U.S. 7,250,106. To support this rejection, the Office Action points to column 25, lines 30-35 as well as column 25, lines 4-12. With respect to the latter passage, it is seen that the zeolite is selected from the group formed by the TON-structural type zeolites, the group also including other zeolites of which one is ZBM-30. However, it is respectfully pointed out that there is nothing in the reference which suggests the utilization of two separate zeolites in the catalyst, much less a TON zeolite and a ZBM-30 zeolite synthesized with a triethylenetetramine structuring agent. The paragraph on column 25, lines 29-35 indicates that certain zeolites are preferred, particularly ZBM-30 based on triethylenetetramine structuring agent or the ferrierite zeolite. Furthermore, column 35 of the reference, Example 1, lines 25-45 specifically teaches the use of only a single zeolite, namely one of the preferred zeolites, ferrierite zeolite. Consequently, it is respectfully submitted that since the reference does not teach Applicants' mixture of zeolites, specified in claim 1 as (A) and (B) there is no need to provide a Declaration Under 37 C.F.R. 1.132 or 37 C.F.R. 1.131. It is appreciated that the Examiner has not made a rejection under 35 U.S.C. 103 since both the present application and the patent are commonly owned and would preclude such a rejection. Furthermore, it would be possible for Applicants to supply a signed English translation of Applicants' French priority document 03/03.531 filed March 24, 2003 which would antedate the 102(e) date of October 30, 2003 of U.S. 7,250,106, but it is respectfully submitted that such a costly submission is unnecessary in view of the lack of any teaching of Applicants' catalyst comprising a mixture of a TON zeolite with a ZBM-30 zeolite synthesized with a triethylenetetramine structuring agent.

In view of the submission of the attached terminal disclaimer and the above remarks, reconsideration and allowance of the application is respectfully solicited. If, however, there are any residual issues which can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/I. William Millen/

---

I. William Millen, Reg. No. 19,544  
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: PET-2135

Date: May 27, 2008

IWM:pdr